

APPROVED: Meeting No. 25-94

ATTEST: *[Signature]*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 23-94

July 25, 1994

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on July 25, 1994, at 7:40 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember Rose G. Krasnow

Councilmember James T. Norman

Councilmember Nina A. Weisbroth

In attendance: Assistant City Manager Rick Kuckkahn City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Mr. Kuckkahn noted that Mr. Romer was on vacation and would return to the office on July 27th.
2. On August 3rd, at 5:30 p.m., the City was co-hosting along with the Chamber of Commerce, a welcome reception for Sam Bass, the new Executive Director of the Rockville Chamber.
3. On July 26th, the Mayor and Council will be conducting a business site visit to the Montgomery County Technology Enterprise Center, located on Gaither Road.
4. This year's Rotary Runfest was a tremendous success with the largest turnout ever--

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over 2,500 runners and several thousand spectators. Records were set by Chris Fox; Maria Pazarentos won the Women's Division, and the Wheelchair Race was won by Ken Archer and Brenda Levy. All of the proceeds from the event benefit Rotary charities.

4. In the City's Recreation and Parks Division, staff is committed to providing full customer satisfaction; the Division announced that if participants were dissatisfied with any recreation program, they will be credited with repayment of their program fee.

Re: Proclamation declaring August 2, 1994 as  
**NATIONAL NIGHT OUT** in Rockville.

August 2, 1994 is the "11th Annual National Night Out" and Neighborhood Watch Groups in Rockville will join forces with thousands of other communities across the country in promoting cooperative police-community crime and drug prevention efforts.

By unanimous vote of the Mayor and Council, August 2, 1994 was proclaimed as **NATIONAL NIGHT OUT** in Rockville. At the request of Mayor Coyle, Councilmember Weisbroth read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Frances Fisher and Bill Orembsy, members of the Twinbrook Steering Committee accepted the Proclamation. (Bill Surgi was unable to be in attendance). Mayor Coyle noted that there were approximately 28 locations that would be sponsoring Night Out Block parties.

Re: Report by Rockville Center, Inc. (RCI) on the progress of the Town Center Redevelopment Project.

Assistant City Manager Kuickahn noted that the City had been meeting with RCI every week and a great deal of progress was being made. He said that staff felt that the redevelopment was already a real success story and representatives from RCI were on hand to give the Mayor and Council an idea of the ongoing progress.

Mark Troen, Vice President of Development, Rockville Center, Inc., said when the Transition and Development Agreement was approved, the next step was to get Planning Commission approval. This approval was granted on 4/29/94 and it allowed RCI to move forward with the development and demolition schedule. Mr. Troen said it was important to note that RCI has worked with all their neighbors on the parking issues. They have also reached agreement to relocate the County's parking spaces and have met with a variety of citizen groups on the design of the park at Courthouse Square. RCI was also working on a text amendment regarding the height issues which has already been passed by the Planning Commission as part of the preliminary development plan process. On July 28th, RCI will meet with County representatives to look at rights-of-entry, easements, and use agreements. Regarding all past activities, RCI is pleased that the joint efforts of the City, County, and developer have allowed them to move forward on funding of \$6 million appropriated by the County. They have the City's contribution of \$6 million and have received \$4 of the \$6 million from the State.

Mr. Troen said that RCI had worked successfully with the tenants in the Hungerford Building and had scheduled another meeting on 7/28 to unveil a new marketing promotional campaign to help improve the image of Rockville Town Center. They have also successfully dealt

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with the relocation of the tenants, except one that they are still in negotiation with, and they hope to see a resolution by the end of the year. Mr. Troen displayed a number of drawings of the properties, including Courthouse Square as they envision. He said that RCI was working on Courthouse Square, Maryland Avenue and the new park to be developed surrounding the Courthouse building. Mr. Troen shared with the Mayor and Council, RCI's schedule for construction. RCI was currently involved in the design phase with Courthouse Square and the streets; this period would extend through September and by the end of September, they would be able to break ground on the new streets and Courthouse Square. Construction of the park would take approximately 9 months and the streets would take 9 months to a year; they will then be able to move forward with some of the streets to the east of Maryland Avenue. After the first of the year, they hope to begin some of the garden parking which will help to replace some of the parking that will be lost. He said the successful relocation of the remaining tenant will determine the exact timing of the building of the new parking garage and the concurrent demolition of the large block. The retail, office, and residential components of the project will follow based upon meetings they were holding with respective tenants. Mr. Troen said monies being used are from RCI which were being reimbursed by the City, County and State. He said that RCI has been working to ensure that everyone affected was notified and that access is obtainable during construction.

Mr. Troen said that on the evening's agenda, an additional 10 percent reduction for parking is being requested by RCI to help further the project. In addition, they are going forward with a subdivision for the various office buildings on the site so that office buildings will be

subdivided in a separate subdivision plan. RCI would also be looking for a right-of-way abandonment of a small part of Truck Street and will bring forth a text amendment to address the overall transportation plan, especially the parking requirements as they related to the Transportation Management Plan.

Mr. Troen then responded to questions posed by the Mayor and Council regarding the drawings presented. In response to a request by Councilmember Krasnow, Mr. Troen said that RCI would be happy to provide a time schedule on the project.

Mayor Coyle suggested that this type of update be presented to the County, the State, and the citizens on a quarterly basis. He suggested that an update take place in the Fall. Mr. Troen said at the Mayor and Council's request, RCI would be happy to come in and give presentations on a regular basis. Mayor Coyle said the Mayor and Council were very enthusiastic about the project and he encouraged RCI to keep up the good work.

Re: Citizens Forum - This time is set aside for citizens wishing to address the Mayor and Council.

1. Richard Haight, 9434 Horizon Run Road, Gaithersburg, former Councilmember and resident of Rockville, referenced a request made on July 11, 1994 that the City refrain from selling alcoholic beverages at all its festivities. He said that this would be an excellent policy to undertake because of the negative effects of alcohol on the family.

2. Tad Baldwin, President of Montgomery Housing Partnership (MHP) noted his presence regarding Agenda Item #10 and said the item was introduced because of MHP's interest in

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the Potomac Inn property at I-270 and Shady Grove Road which was available for sale in December. He said the property traded hands and was purchased by a New York investment firm who put it on the retail block; MHP was one of the bidders on the property. He noted the work MHP did on Beall's Grant to convert the Town Center Inn into 74 units of affordable housing (he noted that 99% of the units were now occupied which showed the continuing demand for small residential units). He said the proposed structure was for 124 efficiencies and 31 one bedroom units. He said that the County Department of Social Services was also looking at the building for a social service center in the mid-county area, and MHP was interested in coming in on this and taking part of the building. MHP, as they moved along the process, did not anticipate that a special exception was needed to allow residential uses in this particular zone, and they felt this would impede their ability to get the contract. He said that MHP was also interested in the text amendment for other properties in the I-3 zone. Planners saw mixed use developments as a much better idea because of the opportunity for a 24-hour day center as opposed to a stark commercial area that was abandoned after the work day, as many suburban parks were. Mr. Baldwin said that office parks also provided a great opportunity for shared parking between residents and office workers.

3. Bill Meyer, 804 Leverton Road asked whether the Mayor and Council had an opportunity to come up with an enforcement plan for snow removal on Rockville Pike. Mr. Kuckkahn said that this would be an issue for discussion in a follow-up retreat of the Mayor and Council. Mr. Leverton suggested that the issue also be addressed with the new executive director of

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the Chamber of Commerce.

Re: Appointments

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Carole Butler was appointed to the Cultural Arts Commission.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Sarita Bhandari and Robert Mangold were appointed to the Science, Technology and Environment Commission.

Re: Approval of Minutes

Councilmember Marrinan noted a clarification on page 17. Councilmember Krasnow noted amendments on pages 5 and 15. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 17A-94 (May 17, 1994), were approved as amended.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Minutes of Meeting No. 18-94 (May 23, 1994), were approved as written.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Minutes of Meeting No. 19-94 (May 24, 1994), were approved as written.

Re: Consent Agenda

Councilmember Marrinan requested removal of Item B; Councilmember Weisbroth requested removal of Item C. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Consent Agenda Item (A) was approved.

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(A) Award of Bid #13-95  
To: Leland L. Fisher, Inc.  
Of: Rockville, Md.  
In the amount of: \$58,541.20

For: Lumber. Adequate funds are available to cover the cost.

Re: Item (B)

Re: Award of Contract  
To: American Management Systems  
Of: Fairfax, Va.  
In the amount of: \$24,379.86

For: Software maintenance for GHRS, the City's payroll system, and associated report writing utility, on a sole-source basis.

Councilmember Marrinan asked for removal of this item to question what the City's criteria was for awarding sole source contracts; he also asked about the magnitude of all sole source contracts the City was involved in. Finance Director Kevin Deckard responded that less than 1% of the City's contracts were sole source. He noted that the most obvious reason a sole source contract would be awarded was when only one vendor was available. Mr. Deckard said the City did not often run into this situation, most of the City's sole source items fell into the category where a proprietary based product was needed and staff had to make a derivative procurement. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the contract was awarded to American Management Systems.



- (C) Introduction of Ordinance to Revise and Amend Ordinance 10-94 appropriating funds and levying taxes for Fiscal Year 1995.

Councilmember Weisbroth asked for removal of Item C to get a detailed explanation of what was taking place by action on the Ordinance. Mr. Kuckkahn explained that the action was largely a bookkeeping type of transaction; he said when the budget was originally developed, it was understood that the developer was maintaining the books on the money. The responsibility shifted to the City and the auditors had to understand that this was now part of the City's bookkeeping and needed to be added to the CIP budget document. Mr. Kuckkahn said that no changes would be made to any of the rates that the City had already adopted.

Councilmember Krasnow noted that the cost of the park was high and she asked for an explanation. Community Development Director Neal Herst said that the projected construction cost for the park was an old estimate at \$1,910,000. He said the drawings were now being finalized, and in the short period of time, the drawings would be bid and a precise cost for the park would be available. Their hope and expectation is that the actual cost will be lower; however for lack of a better number, this was the best figure available. Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the bid was awarded.

Re: Adoption of Resolution to grant Parking Requirement Reduction, Rockville Center, Inc., Applicant.

Reduction of the parking requirement for planned redevelopment of the former Rockville Mall area with a mixed-use, multi-building town center.

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The Mayor and Council has the authority to grant a 10 percent reduction to the parking requirements of the Zoning Ordinance.

Resolution No. 17-94

Chief of Planning Larry Owens gave an overview of the item and explained that the Planning Commission gave preliminary approval in April for the preliminary development plan as part of the development review process. Mr. Owens said that the Planning Commission did grant the 30% reduction to the parking requirements and the applicant was now before the Mayor and Council for an additional 10% reduction; reductions which were critical elements of the overall project plan for the RCI development.

Councilmember Krasnow said she was very much in favor of granting the parking requirement reduction because the entire downtown plan would only work if the City managed the traffic impacts of the plan. Even with the full 40% reduction, RCI would have to provide 3,800 parking spaces. The City would also be building a parking garage for short term uses and putting in meters for short term users. Ms. Krasnow said the issue addressed office workers who will have the option of traveling by Metro and it was important to encourage them to use Metro.

Councilmember Dorsey questioned if the reduction requirement was for the preliminary development plan or was it ultimately for all of the development on the town center site. Mr. Owens responded that the requirement was based on the ultimate long term development; the numbers used were approximate because the ultimate project could vary slightly and the precise number was unknown.

Councilmember Marrinan stated his support for the resolution. He suggested that the Mayor and Council will need to be sensitive about how developers come up with comprehensive traffic management plans and how they impacted other nearby parking areas.

Councilmember Weisbroth remarked how the parking issue related to changes in the work force. She said that people were still driving to their offices, and discussions would become necessary about the many changes in the work force and how employees will accomplish their work. Ms. Weisbroth said the Council may need to set the stage for encouraging people to look at new ways for employers and employees to participate in the work force, e.g, telecommuting and flexible work schedules. Councilmember Dorsey added that the campus might also be an opportunity to think about how residents could be encouraged to use bicycles for transportation to and from work--possibly installing bike racks as an incentive. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Resolution to grant Parking Requirement Reduction was adopted. The full text of Resolution No. 17-94 can be found in Resolution Book No. 10 of the Mayor and Council.

Re: Acceptance of Text Amendment Application  
TXT94-0143, Montgomery Housing Partnership,  
Inc., Applicant.

Amendment to the Zoning Ordinance so as to  
allow multi-family dwellings as a permitted use in  
the I-3 Industrial Park Zone.

Councilmember Krasnow questioned what type of industrial use would be allowed in the I-3 zone. Mr. Owens responded that the I-3 zone was best described as a campus-like

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environment with some corporate offices, some research and development offices, and, as a special exception use, a fair number of hotels were permitted. Altogether, the I-3 zone was most noted for its clean, quiet, and open environment. Ms. Krasnow noted that the application brought to mind some of the problems (fumes, noise) the City has experienced where residential areas back up to I-3 zones. Ms. Krasnow also commented on a notation in staff's memo regarding the use of the Potomac Sheraton, and she asked if there was there any way the applicant could obtain a special exception that would not require a text amendment that would unilaterally grant the right to put residential housing into the I-3 zone. Mr. Owens said residential uses of all types were expressly prohibited in the I-3; the zoning ordinance would have to be changed in some way in order to entertain the thought.

Councilmember Weisbroth asked which areas in the City did I-3 zones exist. Mr. Owens responded that they typically existed in the I-270 corridor; others were on Rt. 28, Montrose Road, and a few on Rt. 355, adjacent to Gude Drive. Ms. Weisbroth asked if there was any sense of the economic implications would be if housing was allowed in the area. Mr. Owens replied that the information was not known; the text amendment had not been looked at on its merits at this point; however, he said those issues would have to be reviewed by the Planning Commission and Mayor and Council.

Mayor Coyle said to achieve some of the objectives without changing the overall zoning approach, some communities have gone to overlay districts that specified certain criteria. He asked would that type of approach be worth looking at instead of changing the basic zone.

Mr. Owens responded that there were all kinds of overlay district varieties as well as optional methods that apply in certain circumstances and special procedures and special exceptions. All the approaches could be considered if there was a desire to accommodate I-3 zoning. In any of the variations, some type of text amendment would be necessary just to get those options into the process. He noted that the whole range of options would be considered if the text amendment application was sent down for review.

Councilmember Weisbroth said that she was concerned were about the services and amenities which would never be present in such areas created because the zone would not allow for them. She noted that there would be people living in residential units in what should be industrial office parks, who would be removed from the rest of the community. A problem would result because one of the objectives was to provide housing for people who were perhaps more in need of certain services or in need of access to public transportation to get to certain services. Ms. Weisbroth said while the City had always looked for opportunities for housing, she was not sure if it was as appropriate in all zoning areas.

Councilmember Krasnow said she would also be interested in seeing some of the analysis about the economical value. Councilmember Marrinan asked that the concerns of the Mayor and Council expressed this evening be conveyed to the Planning Commission.

Councilmember Dorsey encouraged the Planning Commission to visualize what the Mayor and Council were trying to accomplish--a balance between the mix of commercial and residential life in Rockville.

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Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Text Amendment Application TXT94-0143, was accepted.

Re: Discussion and instructions to staff regarding the Human Rights Commission's recommendation for the 1995 Martin Luther King, Jr. Day Celebration.

Mayor Coyle noted that the City had sponsored its own celebration for 22 years and in 1994, they jointly sponsored the celebration with Montgomery County and the City of Gaithersburg. For 1995, The City's Human Rights Commission had presented a recommendation that the City of Rockville continue with its own celebration. The Mayor and Council discussed the Commission's recommendation at length, as well their own thoughts for either maintaining a separate City sponsored program or co-sponsoring the event jointly with other jurisdictions. The following concerns were noted and staff was directed to get a reaction from the County and others on the concerns raised:

- The City bore the major financial costs for the 1994 program -- far more than any of the other jurisdictions -- not only with dollar costs, but also with in-kind services--costs associated with snow removal which was needed as a result of the storm that took place that day, the printing of programs, and cable coverage.

- Staff noted that there were more complications and demands on Rockville staff with planning and implementing the program this year due to the increased number of people involved in the planning.

- The 1994 program was too long; also there is a general sense that some of the intimate feeling associated with past City programs was lost in the 1994 joint program.
- While Gaithersburg made it known that they would like the 1995 program to take place in Gaithersburg, this Mayor and Council feel that the program, if it were to be jointly coordinated again, should be located in Rockville.

Staff was instructed to share these concerns with the jurisdictions involved and report back to the Mayor and Council, who will make a decision on August 1st.

Re: Authorization to Execute Agreement to Terminate Easement - Extinguishment of unneeded public sewer easement located on the Rockville Carnival Grounds, Rockville Pike and Richard Montgomery Drive.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the authorization to terminate the easement was approved.

Re: FYI/Correspondence

1. In response to a request by Councilmember Marrinan, staff informed Mayor and Council that a Neighborhood Advisory would be sent regarding the Fleet Street extension construction to begin in August. Councilmember Krasnow noted that the beginning of the project would coincide with the beginning of school and she said that extra coordination would be necessary to ensure the safety of students walking and driving to school.
2. Councilmember Marrinan noted Item #3 and asked about the status of staff locating resources for funding a City intern program. Mr. Kuckkahn said at this time, staff had not

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identified any other sources of funding, but by hosting workshops for interns and staff from COG, ICMA, NLC and NACO, staff was able to keep on top of other types of intern programs.

Councilmember Marrinan suggested that the topic be considered by the Mayor and Council at the Fall retreat.

3. Councilmember Krasnow commented on the energy cost savings initiative involving the testing of new exit lights in City buildings.

Councilmember Krasnow also noted that she was pleased to see the City's Forestry Division utilizing a door tag system as a way to communicate to residents that street tree work affecting residential properties would be taking place.

4. Mayor Coyle suggested that members of the Council attempt to make an appearance at several of the National Night Out locations.

5. Mayor Coyle noted that the report received from the recipient of the Presidential Classroom Scholarship was very moving and he was pleased to see that the experience was a positive one for Miss Pantin.

6. Councilmember Marrinan congratulated the Planning Commission staff on receiving an award from American Planning Association for its Master Plan.

7. Councilmember Marrinan relayed comments he heard from some residents who had returned from Europe after attending appearances of the Rockville Concert Band; he said the concert tour was superb, and he suggested that the Mayor and Council might wish to receive a briefing on the tour.



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Re: New Business

1. Mayor Coyle noted upcoming events scheduled for July 27th; the dedication of the Teen Mural Project at Broome Middle School and Family Night at the Civic Center.

Re: Next Meeting

The next meeting of the Mayor and Council will be in General Session on Monday, August 1, 1994.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 10:00 a.m. to convene again in General Session at 7:30 p.m. on August 1, 1994, or at the call of the Mayor.